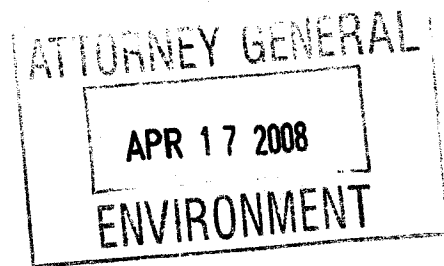


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James O. Kennon and Dick Cumiskey,
representing themselves and SOAR

BEFORE THE UTAH AIR QUALITY BOARD

In Re: Approval Order - PSD Major	*	
Modification to Add New Unit 3 at	*	
Intermountain Power Generating	*	PETITION TO INTERVENE
Station , Millard County, Utah	*	IN THE INTERMOUNTAIN
Project Code: No. 327-010	*	POWER PROJECT UNIT 3
DAQE-ANo327010-04	*	APPEAL
	*	

Pursuant to Utah Admin. Code R 307-103-6 and the Utah Code Ann. 63-46b-9, James O. Kennon, Dick Cumiskey, and the association, Save Our Air & Resources (SOAR), petitions the Utah Air Quality to intervene in the above proceeding to protect our legal rights or interest in the Intermountain Unit #3 Appeal process. The interests of justice and the orderly and prompt

conduct of the adjudicative proceedings will not be materially impaired by allowing the intervention.

INTRODUCTION

The petitioners have a vested interest in Approval Order DAQE-AN 0327010-04,(AO) as some of the same issues of concern contained in this appeal are the same as in the appeal of the Sevier Power Company. The petitioners are down wind of the proposed Unit 3 power plant as demonstrated in the wild fires of 2007 in Millard County. Sevier County experienced several days when you could not see the house across the street due to the smoke and ash from these fires.

FACTS

The petitioners have an interest in the appeal as demonstrated by the Certificate of Service by the Unit 3 Development Committee, Petition to Intervene received by the Division of Air Quality, dated January 22, 2008. In that petition, counsel for Sevier Power Company was on the service list. During the oral arguments before the Utah Air Quality Board, the Unit 3 Development Committee counsel referred a number of times to the Sevier Power Company appeal process. This can be confirmed by the minutes of the March 5, 2008, Utah Air Quality Board Meeting. The petitioner's legal rights

and interest will be substantially affected if intervention is not allowed. Here again, the minutes of the March 5, 2008, meeting will confirm that the petitioners were not allowed to speak during the proceedings dealing with the intervention of the Unit 3 Development Committee request. The petitioners legal interest will be substantially affected if they are not granted standing and the right to intervene in this proceedings.

RELIEF SOUGHT

The petitioners in this case seek to represent their interest in the Intermountain Unit 3 Appeal process to protect their health, welfare, and to preserve the integrity of the judicial adjudication. The issues before the Utah Air Quality Board will impact the petitioners legal interest and basic rights as citizens of the State of Utah. The Intermountain Unit 3 Approval Order contains provision that will directly impact the petitioners.

CONCLUSION

For the above reasons, the petitioners request the Utah Air Quality Board to grant this Petition to Intervene. In the interest of justice, the request to intervene should be granted.

RESPECTFULLY SUBMITTED ON THIS 15TH DAY OF APRIL, 2008.

James O.Kennon, Pro Se Dick Cumiskey, Pro Se James O.Kennon
 (3) President, SOAR

By James O. Kennon

James O. Kennon

Dick Cumiskey

Members of Save Our Air & Resources

I hereby certify that on this 15th day of April, 2008, I caused a copy of the foregoing to be served by US Mail, postage prepaid, to the following:

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*Attorneys for Intermountain Power Project
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BEFORE THE UTAH AIR QUALITY BOARD

In Re Approval Order – PSD Major)	RESPONSE OF IPP UNIT 3
Modification to Add New Unit 3 at)	DEVELOPMENT COMMITTEE
Intermountain Power Generating)	TO PETITION TO INTERVENE
Station, Millard County, Utah)	OF JAMES O. KENNON,
Project Code: N0327-010)	DICK COMISKEY AND SOAR
DAQE-AN0327010-04)	

The Intermountain Power Project Unit 3 Development Committee on behalf of its member participants (the "Committee"), by and through its undersigned attorneys, hereby responds to the Petition to Intervene in the Intermountain Power Project Unit 3 Appeal ("Petition") concerning Approval Order DAQE-AN0327010-04 ("Approval Order"), filed by James O. Kennon, Dick Comiskey, and Save Our Air Resources (collectively the "Petitioners"), dated April 15, 2008. The Petitioners' request brings yet again before the Utah Air Quality Board (the "Board") the issues of intervention and standing – issues with which the Board has become very familiar during the course of this proceeding. As explained in more detail below, the Committee respectfully submits that the Petitioners have neither alleged the requisite

elements nor provided the requisite factual showing to support their requested intervention under the applicable rules of the Board, the Utah Administrative Procedures Act, and decisions of the Utah Supreme Court.

I. INTERVENTION STANDARD

Under the Board's regulations and the Utah Administrative Procedures Act, a petition to intervene must contain, among other information:

- a. a statement of facts demonstrating that the petitioner's legal rights or interests are substantially affected by the formal adjudicative proceeding, or that the petitioner qualifies as an intervenor under any provision of law; and
- b. a statement of the relief that the petitioner seeks from the agency.

Utah Admin. Code R307-103-6(2)(a); Utah Code Ann. §63-46b-9.

In addition, a petition to intervene must establish that the Petitioners have the requisite legal standing required by the Board's regulations. Utah Admin. Code R307-103-6(3). Under Utah law, a party can establish standing under either a "traditional test" or an "alternative test." *Utah Chapter of the Sierra Club v. Utah Air Quality Control Bd.*, 2006 UT 74, 148 P.3d 960 (Utah 2006).

The "traditional test" requires a petitioner to establish that it has suffered or will suffer a "distinct and palpable injury" which gives it "a personal stake in the outcome of the legal dispute." *Id.* at ¶ 19. This requires the petitioner to show that (1) the petitioner "has been or will be adversely affected by the [challenged] actions," (2) there is "a causal relationship between the injury to the [petitioner], the [challenged] actions, and the relief requested," and (3) the requested relief must be "substantially likely to redress the injury claimed."

Under the "alternative tes," a petitioner has standing if it is (1) an appropriate party and (2) is asserting an issue of public importance. *Id.* at ¶ 35. To establish if it is an appropriate party, the petitioner must establish that it has "the interest necessary to effectively assist the [Board] in developing and reviewing all relevant legal and factual questions," and where the issues are unlikely to be raised if the party is not given standing. *Id.* at ¶ 36. The petitioner must then demonstrate that it seeks to raise issues that "are of sufficient public importance in and of themselves to warrant granting the party standing." *Id.* at ¶ 39.

II. THE PETITION DOES NOT MEET THE INTERVENTION STANDARD

The Petition fails to provide the legally required statements and factual support to warrant intervention and establish that the Petitioners have standing under either the traditional or alternative test.

As to the relief sought, Petitioners simply state they seek to "represent their interest," and that the Approval Order "contains provision[s] that will directly impact the [P]etitioners." Petition, p. 3. Because the Petitioners style the relief they seek as a challenge to provisions within the Approval Order, the Petition amounts to contesting the issuance of the Approval Order, which cannot be accomplished through intervention. In order to contest the issuance of the Approval Order, the Petitioners should have filed a request for agency action within thirty days of the issuance of the Approval Order, which was over three (3) years ago. Utah Admin. Code R307-103-3. The Petitioners did not file a request for agency action and cannot now under the guise of intervention.

Moreover, Petitioners fail to identify what issues they seek to pursue, what role they seek to play in an ongoing adjudicative proceeding, and why their intervention would in any way advance the interests of justice. For all of these reasons, the Board must deny the Petition.

RESPECTFULLY SUBMITTED, this 28th day of April, 2008.

VAN COTT, BAGLEY, CORNWALL
& MCCARTHY, P.C.

By: 

H. Michael Keller
Matthew F. McNulty, III

Attorneys for IPP Unit 3 Development Committee

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April, 2008, I caused a true and correct copy of the foregoing **Response of IPP Unit 3 Development Committee to Petition to Intervene of James O. Kennon, Dick Cumiskey and SOAR** to be served by First Class U.S. Mail, postage prepaid, to those indicated below, and by electronic mail to those indicated below, as follows:

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BEFORE THE UTAH AIR QUALITY BOARD

In the Matter of:

Unit 3, Intermountain Power Service, Millard
County, Utah
DAQE-AN0327010-04

EXECUTIVE SECRETARY'S RESPONSE TO
THE PETITION TO INTERVENE FILED BY
JAMES KENNON, DICK CUMISKEY, AND
SAVE OUR AIR AND RESOURCES

COMES NOW the Executive Secretary of the Utah Division of Air Quality
(Executive Secretary), through undersigned counsel, and submits the following response
to the Petition to Intervene filed by James Kennon, Dick Cumiskey, and Save Our Air
and Resources (SOAR) (collectively, Petitioners) in the above-captioned matter.
Petitioners have not made the requisite showing to substantiate their claim of standing.
Accordingly, the Petition to Intervene should be denied.

I. BACKGROUND

On October 15, 2004, the Executive Secretary issued an Approval Order to
Intermountain Power Service Corporation (IPSC) to build an additional unit at the
Intermountain Power Plant in Millard County, Utah. On November 16, 2004, Sierra Club
filed a Petition to Intervene and a Request for Agency Action pursuant to Utah Admin.
Code R307-103-3.

IPSC challenged Sierra Club's Petition to Intervene, contending that Sierra Club did not have standing. On April 13, 2005, the Board agreed with IPSC, and finalized this determination in an order signed on May 12, 2005. Sierra Club subsequently filed a Petition for Review with the Utah Court of Appeals on May 17, 2005, seeking review of the Board's denial of intervention. The Court of Appeals certified the case to the Utah Supreme Court on December 5, 2005.

On November 21, 2006, the Utah Supreme Court reversed the Board's standing determination. The parties subsequently agreed to a schedule for discovery and a hearing. Counsel for IPSC withdrew in July 2007, and the Board imposed a stay on the proceedings. The IPP Unit 3 Development Committee filed a Petition to Intervene, seeking to substitute itself for IPSC to move forward in the defense of the AO. At the March 5, 2008 Board meeting, the Board granted the Development Committee's petition.

On April 15, 2008, James Kennon and Dick Cumiskey, on their own behalf as well as on behalf of a group called Save Our Air and Resources (SOAR) filed a Petition to Intervene, seeking intervention in this proceeding.

By way of background, James Kennon has been appearing before the Board since November 2004 when he filed a petition to intervene/statement of standing to file a Request for Agency Action on the Sevier Power Company Approval Order. In that proceeding, he appeared on behalf of a local citizens group called Sevier County Citizens for Clean Air and Water (Sevier County Citizens), as the organization's president. The petition was filed within 30 days of the issuance of the Approval Order. At the same time, Sierra Club had also filed a Petition to Intervene and Statement of Standing on the SPC Approval Order. The Board granted standing to Mr. Kennon's local citizen's group

but denied standing to Sierra Club. Sierra Club appealed this decision at the same time it appealed the Board's standing decision on the IPSC matter (see above). In Utah Chapter of the Sierra Club v. Utah Air Quality Control Bd., 2006 UT 74, 148 P.3d 960, the Utah Supreme Court overruled the Board and granted Sierra Club standing to file Requests for Agency Action on both the IPSC and SPC Approval Orders.

In response to concerns raised in the Executive Secretary's Response to Sevier County Citizen's Petition to Intervene, Mr. Kennon on behalf of Sevier County Citizens filed on March 16, 2005, a Response to the Executive Secretary's Comments on Sevier Citizen's Right to Intervene and Have Standing. Sevier County Citizen's Response was essentially an amended Request for Agency Action, but also was filed with numerous affidavits from individuals who lived in the area including affidavits from James Kennon and Dick Comiskey, all stating how they would be harmed by the power plant. Mr. Kennon also attached the signatures of many members of the Sevier County Citizen's group.

The Board allowed Sevier County Citizens to intervene and an evidentiary hearing was held on Sevier County Citizen's Request for Agency Action in May 2006 in Richfield, Utah. At that hearing, Mr. Kennon was assisted by Dick Cumiskey, who represented that he was a member of the citizen's group. The Board upheld the Sevier Power Company Approval Order in that proceeding. Mr. Kennon and Mr. Cumiskey subsequently filed a Petition for Review in the Utah Court of Appeals on the Board's Findings of Fact, Conclusion of Law and Order. The Utah Court of Appeals denied their Petition for Review because the law requires that an organization have legal representation on appeal.

On remand from the Utah Supreme Court, the Board granted Sierra Club standing in the SPC matter. Mr. Kennon and Mr. Cumiskey on behalf of themselves and on behalf of this new group, SOAR, petitioned the Board and were allowed to intervene on the 18 month review issue. An evidentiary hearing was held on October and November 2007. The Board entered Findings of Fact, Conclusions of Law, and an Order upholding the Executive Secretary's Approval Order. Mr. Kennon and Mr. Cumiskey have now appealed the Board's Findings of Fact, Conclusions of Law and Order on the 18 month issue.

II. INTERVENTION STANDARD

Intervention in a formal adjudicative proceeding before the Air Quality Board is governed by the Administrative Procedures Act and the Board's administrative procedure rules. Specifically, a potential intervenor must submit a petition to intervene containing: 1) "a statement of facts demonstrating that the petitioner's legal rights or interests are substantially affected by the formal adjudicative proceeding, or that the petitioner qualifies as an intervenor under any provision of law" and 2) "a statement of the relief that the petitioner seeks from the agency." Utah Code Ann. § 63-46b-9(2)(a)-(b). The Board's rules also contain the requirement that "[n]o person may initiate or intervene in an agency action unless that person has standing. Standing shall be evaluated using applicable Utah case law." Utah Admin. Code R307-103-6(3).

The Utah Supreme Court has recently re-evaluated the minimum requirements to establish standing. Specifically, Utah case law now states that standing can be established through a "traditional" test or an "alternative" test. Utah Chapter of the Sierra Club v. Utah Air Quality Bd., 2006 UT 74, 148 P.3d 960.

1. Traditional Test

Under the traditional test, “the petitioning party must allege that it has suffered or will ‘suffer[] some distinct and palpable injury that gives [it] a personal stake in the outcome of the legal dispute.’” Id. at ¶ 19. To make that showing requires the petitioner to satisfy three criteria: “[f]irst, the party must assert that it has been or will be ‘adversely affected by the [challenged] actions.’ Second, the party must allege a causal relationship ‘between the injury to the party, the [challenged] actions and the relief requested,’ [and] [t]hird, the relief requested must be ‘substantially likely to redress the injury claimed.’” Id. at ¶ 19.

2. Alternative Test

If a petitioner cannot satisfy the traditional test, it may qualify under the alternative test. To achieve standing under this standard, a petitioner must “. . . must first establish that it is an appropriate party to raise the issue in the dispute before the court.” Id. at ¶ 36. “A party meets this burden by demonstrating that it has ‘the interest necessary to effectively assist the court in developing and reviewing all relevant legal and factual questions’ and that the issues are ‘unlikely to be raised’ if the party is denied standing.” Id. at ¶ 36. If a party can demonstrate that it is appropriate, “it must also demonstrate that the issues it seeks to raise ‘are of sufficient public importance in and of themselves’ to warrant granting the party standing.” Id. at ¶ 39. “This requires the [Board] to determine not only that the issues are of a sufficient weight but also that they are not more appropriately addressed by another branch of government pursuant to the political process.” Id. at ¶ 39.

III. PETITIONERS FAIL TO ESTABLISH STANDING UNDER EITHER TEST

Petitioners as individuals and SOAR as an association fail to satisfy the criteria for either test. Specifically, neither Mr. Kennon and Mr. Cumiskey nor SOAR alleges a distinct and palpable injury that would give them a personal stake in the outcome of the dispute. The Petition to Intervene consists of generic statements about “vested interests” and “legal rights” but nowhere are those interests and rights identified with any specificity. The Petition contains no affidavits from Mr. Kennon or Mr. Cumiskey (or any member of SOAR) that would establish an injury caused by the granting of the Approval Order for Unit 3 that would be remedied by the relief sought, which is also not identified with any clarity.

The Utah Supreme Court in determining whether Sierra Club had standing in the Sevier Power Company appeal, looked to affidavits from members of the organization. Id. at ¶¶ 15-26. (“In this case, we must address the traditional criteria through the lens of associational standing. An association, such as Sierra Club, has standing if its members have standing . . . (cite omitted) Thus, to determine whether the Sierra Club has standing, we must assess whether its individual members have standing to challenge the order under the traditional test. We hold they do; the Sierra Club’s affiants have identified personal adverse effects, sufficient causation, and redressability.”) The Court then proceeded to cite examples of allegations from affidavits from two Sierra Club members identifying particularized injury. (See id. at ¶¶ 21-26.)

Petitioners have not supported their petition with any affidavits for the Board to evaluate. The statement in the Petition’s Introduction about the wild fires of 2007 and Millard County being down wind of the proposed power plant is insufficient. As the Utah Supreme Court stated in Sierra Club: “Expressions of concern, without a claim of

actual or potential injury to the party, are too generalized to qualify as a distinct and palpable injury under the traditional criteria.” Id. at ¶ 27. The statement that the Unit 3 Approval Order “contains provision[s] that will directly impact the petitioners” is likewise nonspecific. Petitioners claim of an interest in the proceeding because the attorneys for SPC were on the mailing certificate for the Development Committee’s Petition and because the Development Committee’s attorney mentioned the SPC proceedings at a Board meeting is not helpful to the Board as it offers no explanation as to how this would qualify as a “distinct and palpable injury.”

Moreover, the Petition provides no showing as to SOAR as an association comprised of individual members beyond Mr. Kennon and Mr. Cumiskey, in which case it shouldn’t be difficult to get affidavits.

Nor have Petitioners demonstrated under the alternative test that they have the interest necessary to effectively assist the court in developing and reviewing all relevant legal and factual questions. There is nothing in the Petition outlining any issues that Petitioners may wish to raise or how Petitioners can assist the Board in developing and reviewing relevant legal and factual questions. Nor does the Petition assert that the issues are unlikely to be raised if standing is denied, or are of sufficient public importance in and of themselves to warrant granting the party standing. Indeed, Sierra Club has shown the capability and intention of fully litigating this Approval Order, and Petitioners have made no showing or even contend that the Approval Order will be more fully litigated if Petitioners are allowed to intervene.

IV. CONCLUSION

For the foregoing reasons, the Executive Secretary respectfully requests that the Board deny the Petition to Intervene.

DATED this 5th day of May, 2008.

MARK L. SHURTLEFF
Utah Attorney General

A handwritten signature in dark ink, appearing to read "Paul M. McConkie", written over a horizontal line.

PAUL M. McCONKIE
CHRISTIAN C. STEPHENS
Assistant Attorneys General

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2008, I caused a copy of the foregoing to be emailed, and/or mailed by United States Mail, postage prepaid, to the following:

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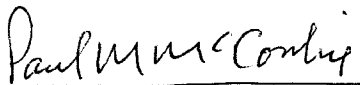
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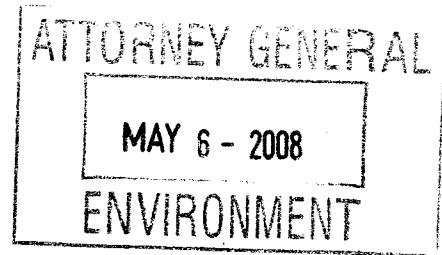
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James O. Kennon and dick Cumiskey,
representing themselves and SOAR

BEFORE THE UATH AIR QUALITY BOARD

In Re: Approval Order- PSD Major*
Modification to Add New Unit 3 at *
Intermountain Power Generating *
Station, Millard County, Utah *
Project Code: No. 327-010 *
DAQE-AN0327010-04 *

**REPLY TO IPP UNIT 3
DEVELOPMENT
COMMITTEE OPPOSING
PETITION TO INTERVENE
BY JAMES O. KENNON, DICK
CUMISKEY AND SOAR**

Comes now, the above petitioners respond to the IPP Unit 3

Development Committee opposition to the intervention and standing in the
adjudicative proceedings of the above proceedings. Utah Code Ann. 63-46b-
9 (c) state, "a statement of facts demonstrating that the petitioner's legal
rights or interests are substantially affected by the formal adjudicative
proceedings or the petitioner qualifies as a intervenor under any provision of

law; and". Counsel for the Unit 3 Committee continues to service the two attorneys representing Sevier Power Company. James O. Kennon, Dick Cumiskey, and SOAR have a case pending in the Utah Appeals Court at the present time. (Kennon v. Utah Air Quality Board) (No. 20080042) Some of same the same questions are relevant to this case. As stated in the "Petition to Intervene, the petitioners sre down wind of the proposed Unit 3 and have an interest in protecting our health and welfare.

FACTS

The extension granted the Intermountain Power Generating Station Unit 3 is but one of the several issue to be brought before the Utah Air Quality Board in this case. There is a number of issues that Counsel for the Unit 3 Development Committee injected into the oral argument before the Air Quality Board on March 5, 2008, that involved issues with Sevier Power Company. The issues were very vague and lacked detail as it was suggested that some of the issues now being adjudicated by the Sierra Club could be put on the table and some agreement reached between the two parties. The Unit 3 Development Committee's main argument for their intervention was directed at the amount of money involved in the process to this point. The health and welfare of the petitioners must have some value.

In the Utah Supreme Court opinion in the *Utah Chapter of the Sierra Club v. Utah Air quality Board* (Utah 2006) on standing and the right to intervene the court was clear. Paragraph # 44, "As to the public importance requirement, the issues in this case are sufficiently important to warrant granting the Sierra Club standing. The plant will emit hazardous chemicals. Given the plants proximity to homes and recreational areas, including Capitol Reef National Park, an area protected by federal Clean Air Act, the Executive Secretary must comply with all applicable state and federal laws. To ensure that this happens, it is important to give the opportunity to be heard to those persons who will be directly affected by the alleged violations of state and federal law." Paragraph # 14, the court states, " While the Board does have power to "hold hearings," *id.* 19-2-104 (3) (a), "enforce [its] orders by appropriate administrative and judicial proceedings, and institute to secure compliance," *id.* 19-2-104 (3) (b), these provisions do not give it implicit authority to develop standing principles because standing is not within the Board's area of expertise." The court went on to state, "The Sierra club is merely seeking compliance with those laws and thus is entitled to petition the Board for that relief." In considering the above provisions of the Utah Supreme Court opinion, counsel for the Unit 3 Development Committee is

asking he Board to make a decision that is out of their "area of expertise."

CONCLUSION

The petitioners have established the right to have standing and intervene in the adjudication of the IPP Unit 3 Development Committee hearing before the Utah Air Quality Board. The petitioners have raised health and welfare concerns sufficient to be given the right to intervene in this case. Injury to the petitioners has been demonstrated in both the areas of health and legal questions. The fact that Counsel for Unit 3 Development Committee continues to service the attorney's for Sevier Power is an indication that there will be legal injury if not granted intervention.

The petitioners request the Utah Air Quality Board to deny the request by Counsel for Unit 3 Development Committee and grant the petitioners the right to intervene.

By James O. Kennon
James O. Kennon
Dick Cumiskey

I hereby certify that on this 1st day of May, 2008, I caused a copy of the foregoing to be served by US Mail, postage prepaid, to the following:

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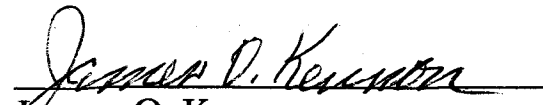
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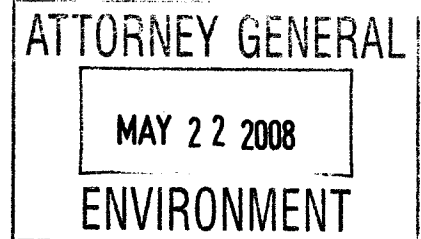
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BEFORE THE UTAH AIR QUALITY BOARD

In Re: Approval Order - PSD Major*
Modification to Add New Unit 3 at *
Intermountain Power Generating *
Station, Millard County, Utah *
Project Code: No. 327-010 *
DAQE_AN0327010-04 *

REPLY TO EXECUTIVE
SECRETARY'S RESPONSE TO
PETITION TO INTERVENE BY
JAMES O. KENNON , DICK
CUMISKEY AND SOAR

Comes now, the above petitioners respond to the Utah Air Quality
Board's (Board), Executive Secretary's request to deny our Petition to
Intervene in the IPP Unit 3 proceedings now before the Board. The
Petitioners responded to the IPP Unit 3 Development Committee's opposition
to our intervention dated, May 1, 2008. Counsel for the Executive Secretary

was serviced with that response. This reply is to be considered as responding to additional issues raised by the Executive Secretary.

I. INTRODUCTION

In response to counsel for the Executive Secretary, the Petitioners have been involved in issues involving clean air for more than seven years. The Sevier Citizens For Clean Air And Water, Inc. was organized in early 2001. It is and was a grassroots organization that had as its main goal to oppose the Sevier Power Plant, near Sigurd, Utah. Sevier Citizens For Clean Air And Water, Inc., James O. Kennon, and Dick Cumiskey, currently have a lawsuit pending in Sixth District Court in Richfield. This lawsuit claims that the rezoning of the property for Sevier Power Company was arbitrary, capricious, and illegal as the county zoning ordinance was not followed. A local attorney has been retained in this case.

As the group grew and numbers reached the thousands, it was incorporate as a non-profit organization in the State of Utah and was granted non-profit status by IRS. As citizens of Sevier County became educated to the health issues and procedures to permit power plants and industrial plants, they expressed a desire to expand our mission. Hence, Save Our Air &Resources was formed to meet the needs expressed by the citizens. A

rooster of original members is attached to this reply. The organization SOAR has been active in Sevier County government actions as well as the Utah Air Quality Board. The members of SOAR expect to remain active in these matters not only in Utah but in other states as well in the future as pollution has no boundaries.

By way of background, the Executive Secretary stated that Mr. Kennon and Mr. Cumiskey represented Sevier County Citizens For Clean Air And Water at a hearing in Richfield, Utah in May, 2006. It was not mentioned that several members also appeared and represented the organization at that hearing. The members are still involved by giving testimony before the Sevier County Commission at their regular meetings and public hearings. The members are currently providing information to the County Commissioners before a final decision is rendered in the request by Sevier Power Company to build a 270 MW coal-fired power plant in Sevier County. Much time and expense has been put forth in an attempt to protect the interests of the citizens. In this last year, three more citizens groups have been organized in Sevier County to protect the air quality and quality of life in the valley. These organizations work together to protect our environment. A large number of our members have sent letters and emails to Governor

(3)

Huntsman that have been routed to the Executive Secretary expressing their concerns on air quality issues. The members participate at the levels they feel comfortable with and rely on myself and Dick Cumiskey to represent them at this level.

II. INTERVENTION

On April 15, 2008, James O. Kennon, Dick Cumiskey, and Save Our Air & Resources, filed a Petition to Intervene in the above proceedings. The Petition is now being challenged by the Executive Secretary. The Executive Secretary is questioning the reference to the Millard County fires of 2007. This reference illustrates that Sevier County and its citizens are down wind of the IPP Unit 3 proposed power plant. Sevier County now has two mercury advisories on Salina Creek at the Accord Lake Exit. One is for Brown Trout and the other is for Cutthroat Trout. The Brown Trout in the Sevier River at Clear Creek near the US 89 Exit are also at high risk for mercury. The problems of mercury contamination in fish in Sevier County are also a problem in the fish in near by streams and lakes that citizens of Sevier County visit. The IPP Unit 3 power plant will add to this already pollution problem.

The members of SOAR, James O. Kennon, and Dick Cumiskey, have

legal rights and **interests** that are affected by the formal adjudicative proceedings. As quoted in our reply to the IPP Unit 3 Development Committee, In the Utah Supreme Court opinion (*Utah Chapter of the Sierra Club v. Utah Air Quality Board*, (Utah 2006) on standing and the right to intervene. Paragraph # 44, “ As to the public importance requirement, the issues in this case are sufficiently important to warrant granting the Sierra Club standing. The plant will emit hazardous chemicals. Given the proximity to homes and recreational areas, including Capitol Reef National Park, an area protected by federal Clean Air Act, the Executive Secretary must comply with all applicable state and federal laws. To ensure that this happens it is important to give an opportunity to be heard to those persons who will be directly affected by the alleged violations of state and federal laws.” As stated previously, the citizens of Sevier County are down wind of the IPP Unit 3 proposed power plant and as such are directly affected by the pollution coming from this power plant. The petitioners live, recreate, and work within the affected area and are “merely seeking compliance with those laws and entitled to petition the Board for that relief.” (*Sierra Club v. UTAQB*) (2006). The formal adjudicative proceedings will substantially affect the petitioners legal rights and interest as well as health, welfare, and quality of life. Citizens

of Sevier County and some members of the petitioners suffer from many different health problems that require constant medical attention. This combined with our legal pursuits entitles the petitioners to request relief from the Board to grant us standing and the right to Intervene. The petitioners seek intervention and standing from the Utah Air Quality Board, as their interests will be unfairly prejudiced if denied the right to defend its position on the issues contained in the IPP Unit 3 permit. Currently, the petitioners are in litigation that will have a profound affect on the IPP Unit 3 permit.

The Utah Air Quality Board is the proper agency to grant the petitioners relief from the injuries herein asserted in these replies to the interested parties..

III. STANDING

The attachments to this reply contain affidavits from the petitioners and members that assert a distinct and palpable injury that gives them a personal stake in the outcome of the dispute. The granting of the Approval Order for IPP Unit 3 will have a lasting effect on the petitioners and the environment for the life of the plant. Considering the longevity of the plant, it is of sufficient public importance to grant the petitioners standing. The petitioners have spent several years involved in air quality issues and will bring issues to

the Board that can only be brought by citizens living down wind of the proposed coal-fired power plant. Mr. Kennon has health problems that is like a barometer in that the slightest change in the air quality is felt immediately and other members will state that in their affidavit as well.

IV. CONCLUSION

The petitioners have answered the questions posed by the IPP Unit 3 Development Committee and the Executive Secretary. The answers can be found in the two "Reply" documents and are sufficient to be granted standing and the right to intervene in the adjudication of the IPP Unit 3 permit. In the interest of justice, the petitioners request the Utah Air Quality Board to approve our Petition to Intervene.

Dated this 20th day of May, 2008.

By James O. Kennon
James O. Kennon
Dick Cumiskey

CERTIFICATION OF SERVICE

I hereby certify that on this 20th day of May, 2008, I caused a copy of the foregoing to be mailed by U.S. Mail, postage prepaid, to the following:

Fred G. Nelson
Assistant Attorney General
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114

Matthew F. McNuly, III
VanCott, Bagley, Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, Utah 84111

Joro Walker
Western Resource Advocates
425 East 100 South
Salt Lake City, Utah 84111

H. Michael Keller
VanCott, Bagley, Corwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, Utah 84111

Paul M. McConkie
Assistant Attorney General
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114

Christian C. Stephens
Assistant Attorney General
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114

By James O. Kennon
James O. Kennon
Dick Cumiskey
Petitioners

The following citizens come together in an effort to improve and protect the quality of life in and around Sevier County. This is a group of people dedicated to being heard at all levels of government as a united front. We cherish the beauty of the area and wish to preserve it for future generations. This group will be known as, "Save Our Air & Resources" or "Soar". The below citizens are in support of our goal.

Members of "Save Our Air & Resources", (SOAR)

	Name	Address	Phone	Email
1.	James O. Kennon	312N 300W ^{P.O. Box 140067} Kodachrome	638-7371	scraw@yahoo.com
2.	Janet Jacobson	738 Horseshoe DR Richfield	896-5756	janet2505@yahoo.com
3.	Scott Chamberlain	162 So 250 W Aurora	529-3755	
4.	ANN CUMISKEY	270 E 2200N MONROE	527-4448	
5.	DICK CUMISKEY	270E 2200N MONROE	527-4448	DICK CUMISKEY
6.	Kelde Colby	440W 800S #21 Richfield	435 201-0499	
7.	HEATHER Colby	440 W 800S #21 Richfield	435 201-0499	
8.	Carolyn Kennon	312 N 300W Kodachrome	6387371	
9.	JUSTIN ZENVER	P.O. BOX 362 ELSENORE 84724	527-8859	JUSTIN ZENVER-HMSN
10.	Thann Blanchett	PO Box 31-Annabella, UT.	896-6591	Thann@LIT.com
11.	RONALD M. SANDER	31N200E HINGLEY	864-3300	
12.	Jim Holt	P.O. Box 300462 ⁸⁴⁷³³ GLENWOOD, UT.		435-896-5940
13.	JACK KINTZ	720 W. 1000 So RICHFIELD	896-6197	JKINTZ@SISNA.CO
14.	Bruce Kintz	720 W. 1000 So. Richfield	896-6197	
15.	Betty Cebula	245 S Main, Glenwood	893-8123	CEBULA@SISNA.CO
16.	Mike Cebula	245 S. Main St. Glenwood		
17.	James H. Sanka	262 N. 200E, Richfield	896-5208	
18.	Faye Sanka	" " " "	" "	
19.	Calvin Johnson	1625 W 226 S Main	435 201-9545	
20.	Ellie Johnson	1625 W 2260 S Monroe	201-9545	
21.	Seth Huls	1625 W 2260 S Monroe	201-9545	
22.	Curt Gentry	307 North 300 West Richfield	896-6172	no
23.	Cindy Roberts		896-4825	houmaker@alt92.1p.com

The following citizens come to gather in an effort to improve and protect the quality of life in Sevier County. This group of people are dedicated to be heard at all levels of government as a united front. We cherish the beauty of the area and wish to preserve it for the generations of the future. The group will be known as, "Save Our Air & Resources", or SOAR. The below citizens are in support of our goal.

Members of "Save Our Air & Resources (SOAR)"

	Name	address	Phone	email
	Ellie Johnson	1625 W. 2260 S. Monroe	201-9545	-
24	Cindy Roberts	1490 N State St. Sigurd	435 896 4805	104maker@ attzip.com
	Calvin Johnson	1625 W. 2260 S Monroe	201 9545	-
	James D. Kenson	PO Box 440067 312 N 300W, Richfield	638-7371	searw@yahoo.com
24	Jim Gleckler	140 E. Center	896-4364	
25	Sandy Gleckler	Richfield	"	glecklers@hotmail.com
26	Gabrielle Gleckler	"	"	
27	Beth + Pete Mearns	1205 Jones Rd Monroe	527-4663	Beth mearns@yahoo.com
28	Bill Peterson	423 S. 100E Monroe	527 4775	
29	Bill Morrison	PO Box 247	527 8853	
30	David Curnin	70E. 1000 W Richfield	87701	svdrimie.net.com
31	Mika Roberts	1490 North State St	84657	myimike@attzip.com
32	Varlene Bastian	1320 N 80E Sigurd	84657	
33	Olma Bastian	1330 N 80E Sigurd	84657	
	Ronald M. Saunderson	31 N 200E Honeoye	84635	Box 333
	Walter J. Saunders	1030 S. 800 N. Richfield	893-2022	WILTSOUND@attzip.com

James O. Kennon, Pro Se
312 North 300 West
P.O. Box 440067
Koosharem, Utah 84744
Dick Cumiskey, Pro Se
270 East 2200 North
Monroe, Utah 84754
Save Our Air & Resources (SOAR)
146 North Main Street, Suite 27
P.O. Box 182
Richfield, Utah 84744

James O. Kennon and Dick Cumiskey,
representing themselves and SOAR

BEFORE THE UTAH AIR QUALITY BOARD

In Re: Approval Order - PSD Major
Modification to Add New unit 3 at
Intermountain Power Generating
Station, Millard County, Utah
Project Code: No. 327-010.
DAQE-AN0327010-04

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AFFIDAVIT OF
JAMES O. KENNON

State of Utah)
 (ss:
Sevier County)

I. James O. Kennon, state and swear as follows:

1. The facts set forth in this affidavit are based on my personal knowledge as a witness to these proceedings, I could and would testify competently to these facts.
2. I am an adult citizen of the United States, the State of Utah, and

currently a resident of Sevier County, Utah.

3. I am a member in good standing in the organization, Save Our Air & Resources (SOAR). Currently, I am President of that organization. This organization was formed due a request by a citizen of Sevier County. It was felt that an organization was needed to protect the quality of life in Sevier County and work to protect the air quality, agricultural lands, and protect the beauty of the area. It is our wish to preserve these gifts for future generations. The organizations goal is to be heard at all levels of government.

4. I authorize the organization, Save Our Air & Resources to represent me in this proceeding or any that may become before the Utah Air Quality Board in the future. This authorization shall be valid until revoked by me.

5. During the more than 30 years, I have been recreating in the area, I have witnessed visibility degrade and the amount of days with poor air quality increase. Twenty years ago, I purchase land in Koosharem, Utah and started building a home on that property to live in for the remainder of our life. Fifteen years ago, I purchased 60 acres of pasture land, north of Koosharem and established a upland game hunting

preserve. Due to health reasons , that land is now used to graze cattle.

The area was selected for its availability to fishing and hunting without the need to travel long distances. I enjoyed spending time in the mountains behind my house during the winter months watching wildlife of the various species. It is exciting to watch the wintering bald eagles as they search for food.

6. I have had occasion to travel to Millard County and the town of Delta, Utah. The area is the home of a wildlife hunting area with many species of waterfowl visiting the area on their way north. Upland game and other species can be viewed at anytime of the year. The only distraction is the yellow haze that hangs over the area during times of inversions and other weather conditions.

7. Due to health problems, I am on oxygen 24 hours a day, 7 days a week. It is very difficult for me to breathe when engaged in any physical activity. I began avoiding any activity such as shopping, going to any public place for entertainment and other things of that nature. I attempted to attend a public hearing on a zoning issue and I was unable to make it from the parking lot to the building. Staff at the building found a wheelchair to get me to the hearing. I was referred to a lung

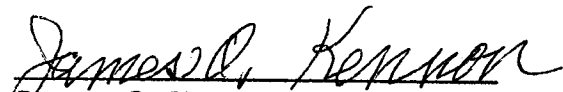
specialist in Provo and I was unable to walk from the parking lot to his office. An MRI was ordered and breathing test done. The result was, according to the doctor, my lungs are small to begin with and the lining of my lungs are scared. The bad news from the doctor was there is nothing that can be done to correct the condition. I am still under his care and he has ordered a walker with a seat so I can rest as needed. This has made it possible for me to continue some of the activities that I engaged in previously and I do the best I can under the conditions. Any time there is the slightest degrading of air quality, I have a difficult time breathing even with oxygen. I do not wish this condition on anyone but do wish they could experience the things I deal with every day for just a few minutes. I am sure the attitude of clean air would change.

8. The issues of permitting the IPP Unit 3 proposal is of great public importance and must be thoroughly reviewed in the interest of all parties involved. Public input is essential and each different voice brings a different perspective to an issue. The pollution, the impact on future growth and regulations are important issues to be discussed and resolved in the quickest manner possible. It is a rapidly changing world

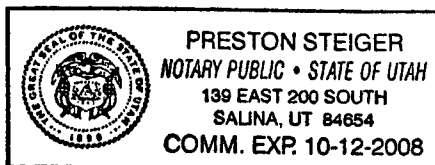
with much discussion on climate change and energy issues now being examined world wide.

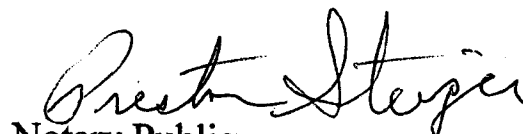
9. These are issues that must be thoroughly examined by all interested parties and that can only be accomplished at the Utah Air Quality Board level. To allow this permit for IPP Unit 3 to be approved without debate from citizens in a neighboring area would not be a responsible thing to do.

Dated this 8 day of May, 2008.


James O. Kennon

Subscribed and sworn to before me on MAY 8, 2008




Notary Public

Residing at: SALINA UT 84654

My Commission Expires:

10-12-2008

James O. Kennon, Pro Se
312 North 300 West
P.O. Box 440067
Koosharem, Utah 84744
Dick Cumiskey, Pro Se
270 East 2200 North
Monroe, Utah 84754
Save Our Air & Resources (SOAR)
146 North Main Street, Suite 27
P.O. Box 182
Richfield, Utah 84701

James O. Kennon and Dick Cumiskey,
Representing themselves and SOAR

BEFORE THE UTAH AIR QUALITY BOARD

In Re: Approval Order – PSD Major
Modification to Add New Unit 3 at
Intermountain Power Generating
Station, Millard County, Utah
Project Code: No. 327-010
DAQE-AN0327010-04

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AFFIDAVIT OF
DICK CUMISKEY

State of Utah)
 (ss:
Sevier County)

I, Dick Cumiskey, state and swear as follows:

1. The facts set forth in this affidavit are based on my personal knowledge. If called as a witness to these proceedings, I could and would testify competently to these facts.
2. I am an adult citizen of the United States, the State of Utah, and currently a resident of Sevier County, Utah.
3. I am a member in good standing in the organization, Save Our Air & Resources (SOAR). I have been a member since its inception. This organization recognizes the unique quality of Sevier Valley, its surrounding mountains, and the clarity of its air. We wish to preserve these qualities for the enjoyment of both present and future generations.

SOAR recognizes that air quality can be impaired from sources outside of Sevier Valley as well as sources from within. There are no boundaries for air pollution.

4. I authorize the organization, SOAR, to represent me in this proceeding, or any that may come before the Utah Air Quality Board in the future. This authorization shall be valid until revoked by me.
5. I purchased land in Sevier County in 1996, after searching throughout the western states for an area with superior air quality, beautiful vistas and a rural life style. I moved to, and constructed a residence on, this property in 2001. This location is unique among the burgeoning hubs of residential communities both in the state of Utah and other western states. On most days visibility exceeds 20 - 30 miles. There are five national parks within a few hours of my home, each with a mandatory class I air quality rating. I do not wish to see those impaired.
6. I am aware that the Utah Division of Air Quality issued a permit in 2004 for the construction of an additional 950 MgW, coal fueled, power station in Millard County.
7. I am aware that many new studies have been completed since the issuance of this permit that indicate that pollutants emanating from this proposed plant are more harmful than originally thought. Newer regulations are in place stemming from some of these studies.
8. A review of the original permit is necessary to assure the citizens of SOAR and the State of Utah that the most stringent controls and pollution capturing devices are required of the permittee before a permit may be renewed or extended.
9. I believe there would be irreparable harm to my property value, to my health and to my enjoyment of the beautiful vistas of both Sevier Valley and the surrounding mountains should the emissions from this proposed power plant be added to our atmosphere.
10. These issues are of significant importance to me, to the members of SOAR and other interested parties in Utah. Only through clear, public debate of these issues, can a proper determination of the terms of the permit be made by the Utah Air Quality Board.

Dated this 12 day of May, 2008

Dick Cumiskey
Dick Cumiskey

Subscribed and sworn to before me on 5-12-08

Notary Public

Residing at:

My commission expires:

Jennifer H
Sevier Co, UT

1-21-12



James O. Kennon, Pro Se
312 North 300 West
P.O. 440067
Koosharem, Utah 84744
Dick Cumiskey, Pro Se
270 East 2200 North
Monroe, Utah 84754
Save Our Air & Resources (SOAR)
146 North Main Street, Suite 27
P.O. Box 182
Richfield, Utah 84701

James O. Kennon, and Dick Cumiskey
representing themselves and SOAR

BEFORE THE UTAH AIR QUALITY BOARD

In Re: Approval Order - PSD Major
Modification to Add New Unit 3 at
Intermountain Power Generating
Station, Millard County, Utah
Project Code No. 327-010
DAQE-AN0327010

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AFFIDAVIT OF
CAROLYN R. KENNON

State of Utah)
 (ss:
Sevier County)

I. Carolyn R. Kennon, state and swear as follows:

1. The facts set forth in this affidavit are based on my personal knowledge as a witness to these proceedings, I could and would testify competently to these facts.
2. I am an adult citizen of the United States, the State of Utah, and currently a resident of Sevier County, Utah.

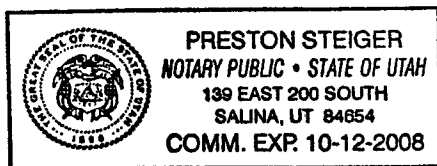
3. I am a member in good standing in the organization, Save Our Air & Resources(SOAR).
4. I authorize the organization, Save Our Air & Resources to represent me in this proceeding or any other that may come before the Utah Air Quality Board in the future.
5. I have traveled to Millard County to visit Minersville Lake and had many occasions to visit Delta, Utah. The pollution hangs over the area until it is blown away by the wind.
6. The health problems that I have make it difficult to breathe even with oxygen when the air is unclean. The poor air quality causes asthma attacks.
7. I suffer from COPD, asthma, chronic bronchitis, and a blood clot in my lungs that caused more damage to my lungs.
8. I am on oxygen 24 hours a day and must travel to Richfield, Utah for doctor appointments , blood tests, and grocery shopping. This exposes me to the poor air quality of the Sevier Valley that drifts in from other areas. These trips are not for pleasure but are a necessary part of my life. There are times that I have to return home sooner than I planned due to poor air quality.
9. After a trip to Richfield, it is not uncommon for me to be sick for 2- 3 days with breathing difficulties. I am confined to my house in Koosharem, Utah. When this happens I have find someone to get my mail and take care of outside chores.
10. All of these health problems are made worse during times of temperature inversions in Koosharem valley.
11. The permitting of IPP Unit 3 is of great interest to me and request the Utah Air Quality Board to allow the petitioners to represent my interest in this important issue. Pollution from other areas are now coming into our valley that gets worse with each passing year. These are issue that need to be heard from people that have to deal with the pollution problems on a daily basis.

12. The citizens of Sevier County need a voice in this permitting process and the Utah Air Quality Board is the proper agency to hear their concerns.

Dated this 14 day of May, 2008.

Carolyn R Kennon
Carolyn R Kennon

Subscribed and sworn to before me on MAY 14, 2008



Notary Public: P. Steiger

Residing at: SALINA UT 84654

My Commission Expires: 10-12-2008

Walter L. Saunders, Pro Se
1030 South 800 West
Richfield, Utah 84701

Save Our Air & Resources (SOAR)
146 North Main Street, Suite 27
P.O. Box 182
Richfield, Utah 84701

Walter L. Saunders
Representing himself and SOAR

BEFORE THE UTAH AIR QUALITY BOARD

In Re: Approval Order-PSD Major
Modification to Add New Unit 3 at
Intermountain Power Generating
Station, Millard County, Utah
Project Code: No. 327-010
DAQE-AN0327010-04

AFFIDAVIT OF
WALTER L. SAUNDERS

State of Utah)
(ss:
Sevier County)

I Walter L. Saunders, state and swear as follows:

1. The facts set forth in this affidavit are based on my personal knowledge as a witness to various proceedings and as a reviewer of various reports.
2. I am an adult citizen of the United States, the State of Utah, and currently a resident of Sevier County, Utah
3. I am a member in good standing in the organization, Save Our Air & Resources (SOAR). This organization was formed by Citizens of Sevier County. It was felt that an organization was needed to protect the quality of life in Sevier County and to work toward the protection of air quality, agricultural lands and the natural beauty of the area.

3. I am a member in good standing in the organization, Save Our Air & Resources (SOAR).

This organization was formed by Citizens of Sevier County.

4. I authorize the organization, Save Our Air & Resources to represent me in this proceeding or any other that may come before the Utah Air Quality Board in the future.

This authorization to be valid until revoked by me.

5. As a resident of Utah since August 1966 and a private pilot who had made many flights over many areas of Utah including the Intermountain Power Project area in Millard County, Las Vegas, St. George and the Wasatch front areas during the last 20 years I have personally witnessed the gradual degradation of visual air quality. From the air at altitudes from 8,000 to 12,000 feet the brown stretch of smog, dust, and haze is often visible all the way from Las Vegas and points west to Logan and points north. I can smell the odor of this pollution and often it causes my eyes to water and bring on a slight cough. To add a third Coal Fired Power Plant to the Intermountain Power Project in Millard County and/or a Power Plant at Sigurd in Sevier County would only worsen the air quality in the several hundred mile area surrounding these sites.

6. I have been present at numerous public meetings, hearings, and county commissioners work sessions where power company representatives have misrepresented the scientific facts related to the construction and operation of coal fired power plants or have provided insufficient information upon which to make informed judgements and decisions related to the above. They have misrepresented to facts, underplayed the dangers, contradicted themselves and exaggerated their claims of harmlessness.

7. My observations described in #6 above give rise to my personal anxiety concerning to construction of Coal Fired Power Plants anywhere in the world, let alone in Millard and Sevier Counties.

Dated this 14 day of May 2008

Walter S. Saunders

Walter S. Saunders

W.S.

5-14-08 *JS*

Subscribed and sworn to before me on

Jennifer Hicks

Notary

Notary Public

Jennifer Hicks

Residing at:

Sevier Co. UT

My Commission Expires: *1-21-2012*



James O. Kennon, Pro Se

312 North 300 West

P. O. Box 440067

Koosharem, Utah 84744

Dick Cumiskey, Pro Se

270 East 2200 North

Monroe, Utah 84754

Save Our Air & Resources (SOAR)

146 North Main Street, Suite 27

P. O. Box 182

Richfield, Utah 84701

James O. Kennon and Dick Cumiskey,

Representing themselves and SOAR

BEFORE THE UTAH AIR QUALITY BOARD

In Re: Approval Order – PSD Major .

Modification to Add New unit 3 at .

Intermountain Power Generating .

Station, Millard County, Utah .

Project Code: No. 327-010 .

DAQE-AN0327010-04 .

AFFIDAVIT OF

STANLEY D. IVIE

State of Utah }

{ ss:

Sevier County }

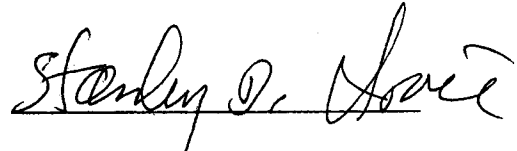
I, Stanley D. Ivie, state and swear as follows:

1. The facts set forth in this affidavit are based on my personal knowledge as a witness to these proceedings, I could and would testify competently to these facts.
2. I am an adult citizen of the United States, the State of Utah, and currently a resident of Sevier County, Utah.
3. I am a member in good standing in the organization, Save Our Air & Resources (SOAR).

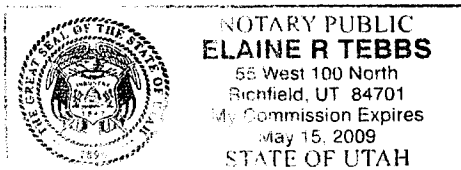
This organization was formed to help protect the air and natural resources of the State of Utah.
4. I authorize the organization, Save Our Air & Resources, to represent me in this proceeding or any other that may come before the Utah Air Quality Board in the future. This authorization shall be valid until revoked by me.
5. My family has deep roots in Sevier County. My grandfather, P. C. Peterson, was one of the early pioneers who settle in the valley in the 19th Century. He poured his life's blood into the land. When he passed away, my father, Harvey Ivie, took over the farm. After my parent died, my brother and I divided the property. I currently own the old family home in Richfield and 13 acres of farm land just north of the city.
6. I retired after 40 years of university teaching and took up residence in Richfield in May of 2007. My address is 109 North and 200 East, Richfield, Utah 84701. I plan to continue to reside in Richfield for the remained of my life, which gives me a personal stake in wishing to preserve the quality of the air and water in southern Utah.
7. I believe everyone in the State of Utah, when he or she drives through Delta, is struck by the dirty air that hangs like a foul poolroom over the city. I know I always say: but for the Grace of God there goes Richfield. Who in his or her right mind would elect to breath such air day-after-day.
8. The issue of permitting the IPP Unit 3 proposal is of great public importance and should

be reviewed in the interest of all parties involved. Public input is essential if a decision is to receive general support from the public. Pollution and global warming are critical issues that will have to be addressed in the next several years. Our generation holds the future of the planet in its hands.

Dated this 15 day of May, 2008


Stanley D. Ivie

Subscribed and sworn to before me on May 15, 2008





Clerk or Notary Public

Residing at: Richfield, UT

My Commission Expires: 5/15/08

James O. Kennon, Pro SE
312 North 300 West
P.O. Box 440067
Koosharem, Utah 84744
Dick Cumiskey, Pro Se
270 East 2200 North
Monroe, Utah 84754
Save Our Air & Resources (SOAR)
146 North Main Street, Suite 27
P.O. Box 182
Richfield, Utah 84701

James O. Kennon, and Dick Cumiskey
Representing themselves and SOAR

BEFOR THE UTAH AIR QUALITY BOARD

In RE: Approval Order – PSD Major
Modification to Add New Unit 3 at
Intermountain Power Generating
Station, Millard County, Utah
Project Code No. 327-010
DAQE-AN0327010

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AFFIDAVIT OF
JANET L. JACOBSEN

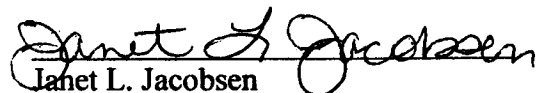
State of Utah)
 (ss:
Sevier County)

I. Janet L. Jacobsen, state and swear as follows:

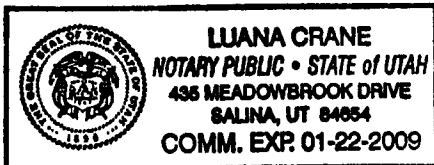
1. The facts set forth in this affidavit are based on my personal knowledge as a witness to these proceedings; I could and would testify competently to these facts.
2. I am an adult citizen of the United States, the State of Utah, and currently a resident of Sevier County, Utah.
3. I am a member in good standing in the organization, Save Our Air & Resources (SOAR).

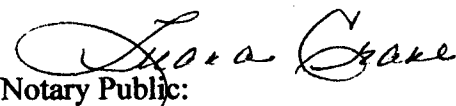
4. I authorize the organization, Save Our Air & Resources to represent me in this proceeding or any other that may come before the Utah Air Quality Board in the future.
5. I am increasingly concerned about the air quality in Richfield. The past summer and this winter has had an increasing number of days that the air quality in the Sevier Valley has been visibly unfit. The winds play a major part in our air quality.
6. I suffer from extreme allergies and asthma type symptoms on a year round basis therefore air pollution is a primary concern of mine.
7. I am quit susceptible to the metals that create life altering medical conditions to my body and affect my quality of life.
8. The permitting of IPP Unit 3 is of great interest to me and request the Utah Air Quality Board to allow the petitioners to represent my interest in this important issue. Pollution from other areas is now coming into our valley and gets worse with each passing year. These are issues that need to be heard from people that have to deal with the pollution problems on a daily basis.
9. The citizens of Sevier County deserve a voice in the permitting process and the Utah Air Quality Board is the proper agency to hear their concerns.

Dated this 15 day of May 2008.


Janet L. Jacobsen

Subscribed and sworn to before me on May 15th, 2008




Notary Public:

Residing at: Salina, UT

My Commission Expires: 1-22-09